

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5666 of 2022

Arising Out of PS. Case No.-173 Year-2021 Thana- PIPRA District- East Champaran

Kundan Kumar @ Kundan Sahani Son Of Ganesh Sharma @ Ganesh Sahani
R/O Village- Chandparsha, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16059 of 2022

Arising Out of PS. Case No.-173 Year-2021 Thana- PIPRA District- East Champaran

Ravi Kumar Son of Birendra Sahani @ Virendra Paswan R/O Village- Chand
Parsa, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5666 of 2022)

For the Petitioner/s : Mr.Rahul Singh, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 16059 of 2022)

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Pipra P.S.
Case No. 173 of 2021 registered for the offence under Section



392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 04.07.2021.

The allegation against the petitioner is to commit robbery and while committing so, taken away cash of Rs. 50,000/- belongs to the informant, along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced in the present case on the basis of self-confession, while apprehending in Pipra P.S. Case No. 174 of 2021 on next very day of the present occurrence. It is submitted that alleged recovered cash of Rs. 15,000/- is not bearing with present occurrence, as same is being without any details of denomination and as such cannot be connected with looted cash. It is further submitted that petitioner involved in three (3) more criminal cases, where he is on bail in all cases. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly



conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as recovered currency note is without any details or denomination as to connect with looted money/cash coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Pipra P.S. Case No. 173 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the



petitioner shall be deponent of the present bail petition.”

Cr. Mics. No. 16059 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Pipra P.S. Case No. 173 of 2021 registered for the offence under Section 392 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 03.07.2021.

The allegation against the petitioner is to commit robbery and while committing so, taken away cash of Rs. 50,000/- belongs to the informant, along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced in the present case on the basis of self-confession, while apprehending in Pipra P.S. Case No. 174 of 2021 on next very day of the present occurrence. It is submitted that alleged recovered cash of Rs.



15,000/- is not bearing with present occurrence, as same is being without any details or denomination and as such cannot be connected with looted cash. It is further submitted that petitioner involved in one (1) more criminal cases, where he is on bail in all cases. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovered currency note is without any details of denomination as to connect with looted money/cash coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Pipra P.S. Case No. 173 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the



State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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